

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
February 16, 2010**

**CALL TO ORDER**

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on February 16, 2010, at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance to the flag.

**ROLL CALL**

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

**APPROVAL OF AGENDA**

Mayor Martin requested that the Council have a brief discussion about the wild turkey issue. Due to the number of people present who wished to speak about the issue, it was the consensus of the Council to insert the issue of turkeys as No. 18 on the agenda ahead of the three items under *General Business*.

MOTION:     by Councilmember Huffman, seconded by Councilmember Withhart to approve the February 16, 2010 agenda with the insertion of item No. 18, a discussion on wild turkeys.

VOTE:                   Ayes - 5                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

**Ms. Barbara Drescher**, 4300 Highland Drive, expressed her thanks to Gene Kruckenberg who has helped the community deal with wild turkeys. There are about 60 turkeys in the neighborhood. They are a nuisance and more damaging, as there are more numbers. They run on the roofs. There is concern for homes that have rubber sheathing used for water seal. The grounds are littered with broken tree branches. The birds are stripping healthy needles from evergreens, and the droppings are unsightly. The birds are unsanitary and may contain parasites. The reason for the number is the generous feeding by a neighbor on nearby Brigadoon. Deer have been feeding as well. Mr. Kruckenberg has spoken with this neighbor to ask him to stop

this feeding activity, but it continues. Wild turkeys are highly reproductive, averaging 12 eggs each. It is reasonable to say that the flock could double by summer. If they reach adulthood, the life span may be up to 10 years depending on conditions. Ms. Drescher stated that she is here to request the Council to prepare a plan to address this issue and to strengthen the wild animal ordinance to prohibit feeding of wild turkey, deer or other wild animals.

**Ms. Sally Pritchard**, 4318 Highland Drive, President of the Highland Drive resident association, stated that over the years the townhouse association has had good relations with City personnel. Residents have appreciated consultation with Mr. Kruckenberg on a number of items. She would like to request that the Council approve a plan to greatly reduce the number of wild turkeys in the entire Brigadoon neighborhood. They roost in trees by the homes above Reiland Lane. There are ravines full of all kinds of brush and trees that turkeys like. Many homes have new roofs due to the last hail storm and new garage roofs with rubberized roofing. The heavy birds land and scratch everything. Residents fear there will be damage. The association has worked to maintain a healthy ecosystem with the removal of buckthorn, treating oak wilt and proactively treating ash trees against the threatened infestation of ash bore. This work is done by the association. The overpopulation of turkeys is not ecologically sound. The DNR agrees there are too many for the area. She commended the Council for reducing the deer herd. Residents would like to see the turkey herd reduced also and enforcement of the current City ordinance. She would also like to see the ordinance strengthened to include a penalty for feeding.

**Ms. Theresa Lynch**, 4312 Highland Drive, stated that she and her family moved to the area because they love the wildlife, but recently she has used a rake to keep the turkeys away from her grandchildren so they can get from the car to the house. Turkeys are territorial and in the last year she has counted no less than 63 in her yard. They are a nuisance beyond belief and a health and safety issue for children.

Mayor Martin stated that the Council discussed wild turkeys at the last Council workshop. Residents who choose to feed deer and wild turkeys are disrupting the natural pattern of animals and wildlife. They proliferate in an area where they are hand fed, and it disrupts their migration patterns. The Council will look at strengthening the ordinance.

### **COUNCIL COMMENTS**

#### **Mayor Martin:**

All warming houses are closing, but skating rinks will remain open as long as weather permits.

Mayor Martin commended the Public Works Department and recognized staff member Dan Curley, who has received an environmental leadership award for outstanding work in reducing impacts of winter road maintenance. He received this award at the Ninth Annual Road Salt Symposium. The Public Works Department uses no sand, and the salt has drastically reduced the amount that needs to be applied. The surface is pre-wet, which produces a better effect.

**Councilmember Huffman:**

Commended staff on the City's retaining its AA+ bond rating with the proposed current bond issue.

With the Governor's proposed budget to cut aid to cities, he asked what effect this will have on Shoreview. Mr. Schwerm responded that the biggest impact would be an additional \$20,000 loss from growth anticipated in market value homestead credit. This is a sum the City can address in-house. Shoreview essentially does not receive any state aid, but there are cities losing millions of dollars.

**Councilmember Withhart:**

One resident raised an issue of a guest arriving unexpectedly on a weekend, when he was unable to get a temporary street parking permit. He requested that the Council consider a solution for these isolated circumstances so residents are not cited by the Sheriff's Department. Staff will work with the Sheriff's Department to find a solution.

**Councilmember Wickstrom:**

The Environmental Quality Committee (EQC) will hold its next Learn How to Live Smarter session at City Hall on Wednesday, February 17, 2010, at 7:00 p.m. This session is on landscaping with native plants, rain gardens and how to remove buckthorn.

On February 18, 2010, there will be a presentation co-sponsored by Ramsey Conservation District and the Ramsey County League of Local Governments on neighborhood watershed analysis. It will be held at 6:30 p.m. at the Ramsey County Public Works building in Arden Hills.

There will be a *Taste of Slice* kickoff for the *Slice of Shoreview* event in July 2010, with a sampling of food from restaurants, drawings and a cash bar. The event is Thursday, February 25, 2010, beginning at 4:30 p.m. at the Community Center. There is a \$10 charge. Residents can R.S.V.P. at Green Mill.

**CONSENT AGENDA**

Item Nos. 1, 2, 7 and 13 were pulled for separate discussion.

**1. February 1, 2010 City Council Meeting Minutes**

Mayor Martin noted that Mr. Prouty's name was misspelled on page 1.

**2. Environmental Quality Committee, January 25, 2010 Meeting Minutes**

Councilmember Wickstrom noted that Target Corporation representatives met with staff with interest in pervious concrete. She expressed her hope that pervious concrete is being considered for the parking lot.

**7. Receive Feasibility Report and Order Public Hearing - Hawes/Demar/Rustic Place - CP 10-01**

Councilmember Wickstrom asked if consideration is being given to curb cuts so people can have rain gardens and secondly, whether LED lights will be used for the replacement lighting. Mr. Maloney stated that curb cuts will be considered and coordinated as a BMP approach. That level of detail has not been worked out. There might be policy issues as well as development agreement issues for future maintenance. There are a couple of lighting fixtures to be replaced and possibly added. Staff is still analyzing the energy consumption of LED lights currently being used.

Councilmember Withhart asked if the feasibility report would address the use of pervious concrete. Mr. Maloney responded that the economic model that made pervious concrete effective in the Woodbridge neighborhood is different in the Hawes/Demar/Rustic Place neighborhood where the streets are wider and storm water is managed differently. Mr. Schwerm stated that using pervious concrete on this project would be at a premium cost. He added that rain gardens are a policy issue that needs to be discussed at the Council level. It may be something that works well for current residents but becomes an eyesore if future property owners do not want to maintain them.

**13. Resolution Authorizing Submittal of Community Development Block Grant Application**

Councilmember Huffman requested that this item be voted on separately.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adopt the consent agenda of February 16, 2010, approving the necessary motions and resolutions of Nos. 1 through 14, with the exception of item No. 13:

1. February 1, 2010 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes
  - Economic Development Authority, January 11, 2010
  - Environmental Quality Committee, January 25, 2010
3. Monthly Reports:
  - Administration
  - Community Development
  - Finance
  - Public Works
  - Park and Recreation
4. Verified Claims in the Amount of \$1,220,586.74

5. Purchases
6. License Applications
7. Receive Feasibility Report and Order Public Hearing - Hawes/Demar/Rustic Place, CP 10-01
8. Approval of Application for Exempt Permit - Emmet D. Williams School
9. Conditional Use Permit - 5291 Hodgson Road, Steve and Janet Fischer
10. Voluntary Conversion Agreement - Family Affordable Housing Program, Metropolitan Council
11. Agreement with Twin Cities Community Land Bank for Participation in the First Look Program with GMHC
12. Approval of 2009 Snail Lake Operation and Maintenance Charges
13. Resolution Authorizing Submittal of Community Development Block Grant Application
14. Appointment to Minnesota Metro North Tourism Board

ROLL CALL:           Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin  
                              Nays: None

MOTION:           by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution 10-11 in support of the City's application to the Ramsey County Community Development Block Grant to acquire and land bank the property at 3399 Victoria Street North for future affordable, low density residential development.

ROLL CALL:           Ayes: Quigley, Wickstrom, Withhart, Martin  
                              Nays: None  
                              Abstain: Huffman

## **PUBLIC HEARINGS**

There were none.

## **GENERAL BUSINESS**

### **WILD TURKEYS**

Mr. Schwerm reported that the City has received requests from neighborhoods for capture and management control of wild turkeys, similar to geese and deer. Staff talked to the area wildlife supervisor of the DNR about relocation of wild turkeys, but the DNR will not authorize it. However, authorization would be given for a permit to capture them, if there is a demonstrated problem. The person who works with the City to control geese visited two sites and found over 20 turkeys near Virginia Avenue and over 30 in Highland Woods town home area. He recommended a control program over a period of two years.

Councilmember Wickstrom stated that she would like the Council to consider an ordinance prohibiting feeding wild animals. Mr. Schwerm stated that feeding does not comply with the current ordinance, and enforcement can be done with citations. The problem with citations is that it takes from two to six months to take the matter to court, which means feeding does not stop quickly. Staff has talked with property owners to ask them to stop feeding turkeys, but it continues.

Councilmember Huffman asked if there is a preferred time to take action. Mr. Schwerm stated that staff has been advised that the best time is early spring before the turkeys disburse. He would not want to wait beyond the middle of March.

Mayor Martin stated that if this is within the Council's discretion to deal with this problem, she would be supportive of taking action immediately.

Councilmember Wickstrom asked how long the process would take if the City has to get a permit from the DNR. She also expressed concern that other neighborhoods will want the same action. Mr. Schwerm stated that the DNR would send out a specialist to visit the sites. The estimated cost is between \$1,500 and \$2,000. He suggested acting on a trial basis to see how effective the trapping will be.

Councilmember Withhart recommended that the next Council meeting agenda include a stricter ordinance drafted by staff for the Council to take action. In the meantime, he would recommend that staff contact the DNR for the permit.

**ACCEPT BIDS AND AUTHORIZE CONTRACT - MAINTENANCE CENTER  
REMODELING PROJECT, CP 08-02**

**Presentation by Public Works Director Mark Maloney**

The Maintenance Center operates maintenance functions for streets, parks and utilities and has 40 employees. It was built in 1973 and expanded in 1986. The roof, heating and mechanical systems are all in need of replacement. In 2007, the Council authorized a space needs study. The proposal under consideration adds 11,000 square feet of new space, which is split between vehicle services bays, offices, and training and locker areas. Buetow and Associates is the architect and EDS is the builder's construction manager and owner's representative on the project. The City is functioning as the General Contractor for the project. This type of project management model allows the City to have direct influence over the project schedule and increase specific work categories within the plans. If approved, construction is scheduled between March and December, 2010.

The City received very competitive bids in all 22 categories for a total of 161 total bids. Two categories are recommended to be rejected--concrete storage bins and garage doors. Staff

believes it would be better to receive direct quotes for the work in these two categories. It is recommended that the Council award 20 of the 22 categories. The total award is \$3,417,000. The total cost of the project is \$5.5 million with a contingency of 8% to 9%.

Councilmember Wickstrom asked how much is being saved by using this type of management model. Mr. Maloney answered, approximately 10%.

Councilmember Huffman stated that the bidding process is as good as could be expected, and he commended Ms. Haapala on the results of the proposed bond issue. However, he is still against the project because of affordability. In the City's Five-Year Operating Plan, which is a plan for 2009 to 2012, the levy will go up 15% in three years, from \$13 million to \$17 million. This larger debt will drive debt service payments. The debt will increase from \$553,000 to \$862,000, which is a 56% increase. This is a great project but something the City cannot afford at this time.

Councilmember Withhart noted that the increased debt of 50% is based on a very small amount of debt compared to what the City could legally carry as debt.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution No. 10-17 that accepts the bids and applicable alternates for 20 bidding categories and rejects all bids received in two of the bidding categories, and authorizes the Mayor and City Manager to execute contracts totaling \$3,417,990.00 in conjunction with the Maintenance Center Remodeling Project, C.P. 08-02.

ROLL CALL: Ayes: Wickstrom, Withhart, Quigley, Martin  
Nays: Huffman

**AWARD SALE OF \$5,615,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2010A**

**Presentation by City Finance Director Jeanne Haapala**

Staff recently participated in a rating call with Standard and Poors for the sale of general obligation bonds. Standard and Poors affirmed the City's rating to AA+ and commended the level of financial planning done by Shoreview. They are particularly impressed with the City's fund balance policy and debt policy. They also liked the operating goals and targets laid out in the Five-Year Operating Plan and rapid retirement of debt. Fund reserves are strong, and the City's financial position is exceptionally strong. Standard and Poors offered their opinion that if the City continues on its current path, there could be an upgrade in a few years, which would be a rating of AAA, the highest rating.

The City received six bids. The low bid was submitted by Northland Securities. Bids were for taxable bonds, not tax-exempt bonds, which carry higher interest rates. The winning bid has a true interest rate of 3.28%, which is very close to what Springsted estimated. The bonds are scheduled to be repaid over 20 years with 50% paid from the utility fund and 50% through the tax levy. The net impact to a median-valued home is approximately \$20.00 per year. This does not anticipate future bond issues for streets. The City's debt limit is based on taxable value--3% of taxable market value, which gives Shoreview a capacity of almost \$96 million in general obligation debt. The City has 86% of its debt margin available.

Mayor Martin stated that the City received the AA+ bond rating upgrade just this year. There are only 12 jurisdictions in the state with this high of a rating.

Councilmember Wickstrom congratulated and thanked Ms. Haapala and her staff for their excellent work.

Councilmember Huffman stated that although he does not support this particular project, he congratulated staff and stated he could not be more supportive or prouder of what they have been able to achieve with the bond rating.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt proposed resolution number 10-13 authorizing issuance, awarding sale prescribing the form and details and providing for the payment of \$5,615,000 in Taxable General Obligation Capital Improvement Plan Bonds, series 2010A (Build America Bonds - Direct Pay).

ROLL CALL: Ayes: Withhart, Quigley, Wickstrom, Martin  
Nays: Huffman

### **REQUEST FOR TEXT AMENDMENT - CHAPTER 200 AND 600, KEEPING OF WILD ANIMALS IN RESIDENTIAL DISTRICTS**

#### **Presentation by City Planner Kathleen Nordine**

Applicant Linda Baschky is requesting a text amendment to the Code to allow falconers licensed by the state and federal governments to keep raptors on properties City wide in the RE, Residential Estate and R-1, Detached Residential Districts with a Wild Animal License issued by the City. The Code currently defines domestic animals and non-domestic animals in Section 200. Non-domestic animals are allowed in R-1 and RE Districts on parcels of two or more acres. A permit may be granted under a conditional use permit. Section 601 of the Code also defines domestic animals consistent with Chapter 200. Raptors and wild animals are permitted only by licensed falconers and a license obtained from the City.



The text amendment would retain the definition for domestic animals and replace the definition for non-domestic animals with a definition for “farm animals” and keep the definition for wild animals consistent with Section 601. The amendment would change those definitions to be consistent with Chapter 200 and retain licensing requirements.

The jurisdiction agencies for falconry are the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources (DNR). In 2014, the DNR will be the sole permitting agency. There are three classifications in falconry licensing: 1) Apprentice, allowed to keep one bird; 2) General, allowed to keep two birds; and 3) Master, allowed to keep three birds. The new regulations in 2014 will increase the General classification to being able to keep three birds and the Master classification to being able to keep five birds. Currently, there is no minimum setback requirement for the housing accessory structure, which staff would recommend adding. The existing shelter on Ms. Baschky’s property complies with the City’s current accessory structure requirements.

In looking at other cities, staff found that some allow falconry with conditional use permits, but most cities do not permit it. Staff is concerned about dropping the requirement for a two-acre parcel because of impacts to neighbors, such as noise, health, safety, and odor.

The Planning Commission held a public hearing on January 26, 2010. Seven comments were received in opposition. Issues of concern included incompatibility with suburban residential neighborhoods, potential for noise, odor, and safety. The Planning Commission recommended the Council deny the current application but directed staff to work on an ordinance that would clarify definitions, standards and allow falconry on parcels smaller than two acres. Staff is also recommending denial of the amendment as written due to the need for definitions to be clarified and the appropriateness of keeping raptors on small lots.

Councilmember Huffman asked if these issues were addressed when the Council addressed keeping chickens. Ms. Nordine stated that the Council approved keeping a maximum of four chickens with an annual license and with setback restrictions for the placement of chicken coops.

Planning Commissioner Steve Solomonson stated that the applicant gave a very thorough presentation. Although Commissioners do not know much about falconry, based on the presentation, the Commission generally supported keeping raptors on a lot smaller than two acres. Although the applicant’s amendment was denied on a 6 to 0 vote, the Planning Commission voted 5 to 1 to permit falconry on lots smaller than two acres with additional work to develop a clear and appropriate ordinance.

**Ms. Linda Baschky**, Applicant, stated that the new housing she has constructed is with sanitation in mind. Federal regulations require the interior to be a washboard wall. Everything is wiped down daily. There will not be the odor that exists with a chicken coop. The birds are trained like a hunting dog and wedded to specific prey through that training. They will not seek children or pets, unless perhaps a gerbil. When confronted with people and noise, their natural behavior is to get away. They will not aggressively approach children.

The housing is limited by regulation and must allow for a full wingspan for the bird. A red-tailed hawk has a 4-foot wingspan so the housing must be at least 4' x 4'. A small lot would prohibit a structure that would accommodate five birds. The Raptor Center does house 30 to 35 birds. There is a training period of two to four weeks with the bird in the housing and outside in the yard. When in the yard, the bird is leashed or tethered with a six- to eight-foot cord. In the field, during training, an 80-foot chord is used. The bird is always tethered in some way. When in the City, it will mostly be in its housing. Most of the training is done in fields where such activity is permitted.

Mayor Martin asked the goal and benefit of raising falcons. Ms. Baschky stated that they are raised for hunting, from rabbits to pheasants. They can be taken to national and state parks and forests to hunt small game. There are also field meets.

Councilmember Huffman expressed concern about noise but stated that he supports the Planning Commission's recommendation for staff to research and draft an appropriate amendment for this activity. Ms. Baschky responded that only eyas (baby hawks) scream for food and attention from their parents. A hawk that is kicked out of the nest and trained to hunt on its own does not scream. The other time there is noise is during the mating season when defending territories. Hawks and owls are already living in neighborhoods. There would be several more layers of training before she would qualify for an eagle or more than one hawk. Her current qualifications would allow her to keep one red-tailed hawk, kestrel or peregrine falcon.

Mayor Martin noted receipt of a number of letters from residents with concerns mainly about noise and danger and risk to their pets. Ms. Baschky stated that although she could not guarantee a falcon would never go after a pet, they do not attack other dogs or children because they are trained to hunt a particular kind of species for their food. They are very aloof and if something is not recognized as food, a hawk will not go after it.

Councilmember Quigley stated that there are red-tailed hawks all around his property, and he does not consider them to be a hazard. It is a challenging sideline and he would like to see a framework within the ordinance if staff feels language can be drafted to allow it.

Mayor Martin stated that the Council needs to make sure there is proper control through zoning regulations and the Code for wildlife animals. She noted the work done on pigeon maintenance issue a few years ago and stated that she would not want to undo that work. She questioned whether the Code should be amended for one bird.

Councilmember Wickstrom stated that would not be setting a precedent. The Code was amended for one request for chickens. The skate park was the result of one student bringing it to the attention of Council. Neighborhoods are afraid because they are not used to this kind of activity. There may be limits that would be good to establish. She would support staff working with Ms. Baschky to develop a reasonable solution.

Ms. Baschky stated that while she is but one applicant, she can assure the Council that a number of falconers are eagerly watching to see what is done in Shoreview because they have their ordinances to define also.

Councilmember Withhart stated that changing the ordinance affects everyone in the City. He would favor this applicant work with City staff and the Planning Commission to draft an ordinance. He asked if owls and osprey are used by falconers. Ms. Baschky answered that owls are used, but she has not heard of someone keeping an osprey.

Councilmember Quigley asked if it would be easier to table this matter, rather than denying it. Mr. Schwerm recommended denial and for staff to start fresh on a new ordinance.

**Mr. Frank Taylor**, White Bear Lake, stated that he has been a falconer for over 40 years. He is an expert on raptors worldwide. This is the fortieth consecutive year of research on the North Shore. As Ms. Baschky's sponsor, he can attest that she has been studying falconry for two years. As her sponsor, he would offer volunteer time to work on the ordinance and address any issues for the City. He is familiar with falconry in every country in the world. The training is not to kill something but for the bird to accept its owner as a hunting partner. They stay away from predators that might injure them.

Mr. Frank had brought his red-tailed hawk with him to the meeting. He went to his car to bring her in and introduced the Council to Mim and explained in more detail about keeping hawks.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Huffman to deny the text amendment to Chapters 200 and 601 of the Municipal Code submitted by Linda Baschky pertaining to the keeping and licensing of non-domestic animals. Further, the Council directs staff to work with Ms. Baschky and the Planning Commission to draft an appropriate ordinance.

This action is based on findings that:

1. The proposed amendment does not fully address the number of wild animals permitted.
2. The proposed amendment does not fully address locations of shelters for the animals.
3. The proposed definitions do not meet the intent of the Development Code.

**ROLL CALL:** Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin  
Nays: None

**ADJOURNMENT**

MOTION: by Councilmember Huffman , seconded by Councilmember Quigley to adjourn the meeting at 9:15 p.m. on February 16, 2010.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 1<sup>st</sup> DAY OF MARCH 2010.

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Terry C. Schwerm  
City Manager